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Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

Repertory of Practice of United Nations Organs and *Repertoire of the Practice of the Security Council*

Report of the Secretary-General

Summary

In conformity with General Assembly resolution 71/146, the present report provides an outline of the progress made by the Secretariat since the previous report (A/71/202) in updating the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council*. The Assembly is invited to take action in the light of the conclusions drawn in paragraphs 17 and 29.

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I. Introduction

1. The present report has been prepared pursuant to General Assembly resolution 71/146. It provides information on the progress made by the Secretariat since the previous report (A/71/202) in updating the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council*. It examines the respective mandates and workflow in the preparation of these publications, in printed and electronic forms, and gives an overview of the available resources and existing modalities of cooperation with academic institutions, associate experts, temporary staff and consultants, as appropriate. The Assembly is invited to take action in the light of the conclusions drawn in paragraphs 17 and 29.

II. *Repertory of Practice of United Nations Organs*

A. Mandate and preparation of supplements to the *Repertory*

2. The *Repertory of Practice of United Nations Organs* was originally mandated by the General Assembly in its resolution 796 (VIII) of 27 November 1953. Its purpose is to document the Organization's application and interpretation of each individual Article of the Charter of the United Nations, to form a legislative history contributing to the knowledge and understanding of the Charter as applied in the practice of the organs of the United Nations.

3. Bearing in mind the call made upon the Secretary-General, in paragraph 13 of General Assembly resolution 71/146, to address effectively and on a priority basis the backlog in the preparation of volume III of the *Repertory*, the Codification Division of the Office of Legal Affairs, acting as coordinator for the preparation of the *Repertory*, sought to significantly reduce that backlog, in particular regarding volume III, Supplements Nos. 7 to 9 (1985-1999). Research and drafting of a study on Article 49 of the Charter of the United Nations, previously entrusted to a consultant, was completed and will be submitted to the responsible author department, the Department of Peacekeeping Operations, for final review. A study on Article 33 of the Charter, prepared with the assistance of interns in the Codification Division, was also completed and will be submitted to the responsible author department, the Department of Political Affairs, for final review. Single studies for each of the aforementioned provisions of the Charter address the entire period covered by the three supplements, that is, 1985 to 1999.

4. Progress has also been achieved in the preparation of studies for volumes III and IV of Supplement No. 10 (2000-2009). During the reporting period, as is the case for Supplements Nos. 7 to 9, research and drafting of a study on Article 49 of the Charter of the United Nations for volume III was completed by a consultant and will be submitted to the responsible author department, the Department of Peacekeeping Operations, for final review. Two studies, on Articles 55 (c) and 56, for volume IV were also completed with the assistance of interns and will be submitted to the responsible author department, the Office of the United Nations High Commissioner for Human Rights, for final review. Work also continues in relation to studies on Articles 104 and 105 for volume VI, in preparation in the Office of the Legal Counsel in the Office of Legal Affairs. Further, the Department of Economic and Social Affairs is in the process of taking steps to prepare studies falling under its lead in volumes II and IV of Supplement No. 10 (2000-2009).

5. Further to the decision of the Interdepartmental Committee on Charter Repertory, taken in 2015, that Supplement No. 11 would cover the period 2010-2015 (see A/70/295, para. 5), further progress has been made by the Codification

Division in the preparation of a study on Article 13 (1) (a) (provisions relating to the codification and progressive development of international law) for volume II in cooperation with the Division for Ocean Affairs and the Law of the Sea and the International Trade Law Division of the Office of Legal Affairs, as well as the Office for Outer Space Affairs. In addition, of two studies, on Articles 100 and 101, for volume VI which were researched and drafted with the assistance of a consultant in the Office of Human Resources Management, the former was finalized and posted on the *Repertory* website, while the latter is under consideration by the Office of Administration of Justice.

6. As is customary, the Department of Public Information and the Dag Hammarskjöld Library played an important role in supporting the research on the *Repertory*.

7. During the period under review, the Codification Division of the Office of Legal Affairs, in its capacity as coordinator for the preparation of the publication, also launched a new *Repertory* website which, like all other newly launched websites of the Codification Division, is meant to be user-friendly, printer-friendly and mobile-friendly and to facilitate access by persons with disabilities.

8. The current status of the publication is as follows: 28 volumes have been published[1] and 15 have been finalized and submitted for translation and publication.[2] Consequently, from among the 56 volumes of which the publication as a whole (original *Repertory* and Supplements Nos. 1 to 11 thereto) should consist, work remains to be completed on 13, 6 of which pertain to Supplement No. 11 (2010-2015), on which work has begun (see para. 4 above), and 4 to Supplement No. 10 (2000-2009), which are at different stages of preparation (see para. 3 above). The other three volumes on which work remains to be completed correspond to volume III of Supplements Nos. 7 to 9.

9. Annex I to the present report sets out the responsibilities of individual Secretariat units for the preparation of *Repertory* studies on individual Articles of the Charter. Annex II provides information on the status of the *Repertory*.

B. Availability of *Repertory* studies on the Internet

10. Studies from 43 complete volumes, including the 15 volumes in processing for publication, are available on the United Nations website for the *Repertory* (http://legal.un.org/repertory). Advance versions of several studies on individual Articles for volume III of Supplements Nos. 7 to 9, as well as a considerable number of studies for Supplement No. 10 that have been finalized and are awaiting completion of the respective volumes, continue to be made accessible on the website. This is indeed also done for newly completed studies for Supplement No. 11. The electronic version of the *Repertory* includes a full-text search feature, providing users with the opportunity to search all the studies instantaneously for any word or combination of words in the three languages of the publication (English, French and Spanish).

11. Currently, all studies available in English are on the Internet, and most of them are also available on the Internet in French and Spanish. Finalized studies awaiting publication are placed on the Internet in the language in which they have been

[1] *Repertory* and Supplements Nos. 1 to 6 (1946-1984), for a total of 26 volumes, and volumes V and VI of Supplement No. 7 (1985-1988).

[2] Volumes I, II and IV of Supplement No. 7 (1985-1988); volumes I, II, IV, V and VI of Supplements Nos. 8 (1989-1994) and 9 (1995-1999); and volumes I and II of Supplement No. 10 (2000-2009).

prepared (English for most of them and French for some of them). The Secretariat will continue to make available electronically all three language versions of the finalized *Repertory* studies.

C. Cooperation with academic institutions and sponsoring of associate experts

12. While the well-established cooperation for the past seven years with the Faculty of Law at the University of Ottawa is still active, with a view to revitalizing cooperation with academic institutions and pursuing a diverse geographical spread, the Codification Division, acting as coordinator for the preparation of the *Repertory*, called upon permanent missions to the United Nations to identify academic institutions that may be interested in contributing to the preparation of studies. As a result, the Codification Division had preliminary contacts with four universities: two in the South Pacific region, one in the Latin American and Caribbean region and one in the Western European and other States region.

13. Further, consistent with paragraph 11 of resolution 71/146, in which the General Assembly reiterated its call for the sponsoring, on a voluntary basis and with no cost to the United Nations, of associate experts to assist in the updating of, inter alia, the *Repertory*, the Codification Division made an appeal to all permanent missions to the United Nations by a note verbale of December 2016. To this date, the appeal has led to preliminary contacts with representatives of the South Pacific region, on the one hand, and the Eastern European region, on the other.

D. Trust fund

14. In its resolution 71/146, the General Assembly reiterated its call for voluntary contributions to the trust fund established pursuant to its resolution 59/44, in order to eliminate the backlog in the *Repertory*. Accordingly, a note verbale was sent to all permanent missions to the United Nations, reminding them of the possibility of making voluntary contributions to the trust fund and inviting them to bring the question of funding for the *Repertory* to the attention of private institutions and individuals that might wish to assist in that regard. The Secretary-General welcomes with appreciation the contribution to the trust fund of $10,000 from Turkey received since the issuance of the previous report on 25 July 2016.

15. During the period under review, a consultant financed through the trust fund was employed to work on the preparation of studies on Article 49 for volume III of Supplements Nos. 7 to 9 and Supplement No. 10. The further use of consultants for the preparation of studies pertaining to volumes that are nearing completion is envisaged. Additional contributions to the trust fund are strongly encouraged, so as to allow the Secretariat to effectively eliminate the backlog in the *Repertory*.

E. Recommendations of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

16. The Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization considered the question of the *Repertory* and the *Repertoire* at its session held from 21 February to 1 March 2017. In paragraph 72 of its report (A/72/33), the Special Committee recommended, with regard to the *Repertory*, that the General Assembly should commend the Secretary-

General for the progress made in the preparation of studies, including the use of the internship programme of the United Nations and cooperation with academic institutions for that purpose; welcome the appeal inviting Member States to identify academic institutions having the capacity to contribute to the preparation of studies for the *Repertory* and to provide contact details of such institutions; note with appreciation the contributions made by Member States to the trust fund for the elimination of the backlog in the *Repertory*; reiterate its call for voluntary contributions to the trust fund so as to further support the Secretariat in carrying out the effective elimination of that backlog, as well as the sponsoring, on a voluntary basis and with no cost to the United Nations, of associate experts to assist in the updating of the publication; call upon the Secretary-General to continue his efforts towards updating the publication and making it available electronically in all its language versions, and welcome the establishment of a new website for the *Repertory*; note with concern that the backlog in the preparation of volume III of the *Repertory*, although slightly reduced, had not been eliminated, and call upon the Secretary-General to address that issue effectively and on a priority basis, while commending the Secretary-General for progress made in reducing the backlog; and reiterate the responsibility of the Secretary-General for the quality of the *Repertory*.

F. Conclusions

17. **With regard to the *Repertory*, in the light of the foregoing, the General Assembly may wish:**

(a) To note the current status of the publication, including the progress made in the preparation of *Repertory* studies and in their posting on the Internet in three languages (English, French and Spanish);

(b) To consider the recommendations of the Special Committee (see para. 16 above) concerning the use of the internship programme of the United Nations and the cooperation with academic institutions for the preparation of studies; the identification of academic institutions having the capacity to contribute to the preparation of studies for the *Repertory*; the voluntary contributions to the trust fund for the elimination of the backlog in the *Repertory* so as to further support the Secretariat in carrying out the effective elimination of that backlog; the sponsoring, on a voluntary basis, and at no cost to the United Nations, of associate experts to assist in the updating of the publication; the call upon the Secretary-General to continue his efforts towards updating the publication and making it available electronically in all its language versions; the welcoming of the establishment of a new website for the *Repertory* and the call to continue to address effectively and on a priority basis the elimination of the backlog in volume III of the *Repertory*; and the reiteration of the responsibility of the Secretary-General for the quality of the *Repertory*;

(c) To note the progress made towards the elimination of the backlog through the utilization of the trust fund; and to strongly encourage States to make additional contributions to the trust fund.

III. *Repertoire of the Practice of the Security Council*

A. Mandate and preparation

18. The *Repertoire of the Practice of the Security Council*, originally mandated by the General Assembly in its resolution 686 (VII) of 5 December 1952, continues to

provide a record of the evolving practice and procedure of the Security Council in the framework of the Charter of the United Nations and the provisional rules of procedure of the Security Council. Most recently, by its resolution 71/146, the General Assembly called upon the Secretary-General to continue to follow the modalities outlined in paragraphs 102 to 106 of his report dated 18 September 1952 (A/2170).

19. In paragraph 9 of its resolution 71/146, the General Assembly commended the Secretary-General for the progress made towards updating the *Repertoire*. In paragraph 12, the Assembly called upon the Secretary-General to continue his efforts towards updating the *Repertoire* and making it available electronically in all its language versions.

20. Pursuant to the mandate provided by the General Assembly, the Secretariat has continued to make progress in the preparation of Supplements to the *Repertoire*. In the past year, the Secretariat has achieved sustained progress with respect to previous periods and finalized the drafting of the nineteenth Supplement (2014-2015). Parts I, III, IV, V, IX and X of that Supplement have been completed and made available electronically in an advance version on the Security Council website. The Secretariat is in the process of completing the drafting of the remaining parts II, VI, VII and VIII and will be making them available electronically in the second half of 2017.

21. The foundational groundwork and research necessary for the drafting of the twentieth Supplement (2016-2017) is being systematically conducted through the contemporaneous recording of the decisions and the evolving practice of the Security Council. Technological solutions are being leveraged to support the timeliness and accuracy of this necessary research with a view to expediting its preparation. The Secretariat, therefore, is expecting to complete the drafting process early in the third quarter of 2018. This investment in new technologies has been made possible through extrabudgetary funding secured by the Secretariat during the reporting period.

22. The Secretariat has continued its steadfast commitment to producing the *Repertoire* in an expeditious manner, optimizing the limited resources available. Notwithstanding the continuing challenges in terms of the complex editing, translation, indexing and publishing of the Supplements, there has been considerable improvement in the requisite processes and optimized cooperation between the different Secretariat offices vested with this responsibility to overcome resource constraints and reduce delays in publication.

23. The continuous training of staff, the increased use of the internship programme of the United Nations, the further development of internal databases, the implementation of new technologies, and the systematization of data collection and data analysis and validation have enhanced the Secretariat's ability to prepare the *Repertoire* in accordance with its mandate, optimizing and improving on its timely issuance while ensuring the highest standards of accuracy and quality control.

B. Availability of *Repertoire* studies on the Internet

24. The Secretariat has continued to post advance versions of drafted Supplements on the *Repertoire* section of the Security Council website, thereby facilitating access to the latest information available. In addition, the website contains an array of research tools containing curated data and information used for the preparation of the *Repertoire*, such as tables and graphs featuring the mandates of all current peacekeeping, political and peacebuilding field missions, information on sanctions-related measures and other restrictions authorized by the Security Council, the

provisions of decisions of the Council relevant to cross-cutting agenda items, namely children and armed conflict, women and peace and security, and protection of civilians, as well as the annual "Highlights of Security Council practice". Early in January 2017, the "Highlights of Security Council practice" covering 2016 was made available in an interactive format containing the statistical information on the evolving practice of the Council relating to meetings, missions, the agenda, decisions, voting and subsidiary bodies. The research tools enhance the ability of researchers and others interested in the work of the Security Council to systematically follow and analyse the practice of the Council. The website's search function has been enhanced to render it more intuitive and effective.

25. The Secretariat has also continued to fulfil its advisory role including through the provision of information in response to questions received directly and through the *Repertoire* section of the Security Council website relating to the current and past practice of the Council and its subsidiary organs. During the reporting period, the Secretariat responded, in a timely and accurate fashion, to an increased number of requests for information emanating from Member States, as well as from officials of the United Nations system and staff of other international organizations, non-governmental organizations, students, academic scholars and researchers, and the private sector. It embarked on several outreach programmes and contributed to the familiarization of new Council members with respect to the evolving procedure, practice and working methods of the Council.

C. Publication in language versions (print and electronic)

26. Pursuant to General Assembly resolution 55/222, the twelfth to sixteenth Supplements (1993-2009) are available on the *Repertoire* section of the Security Council website in all of the official languages. The seventeenth Supplement (2010-2011) is scheduled to be made available by the end of 2017. Different offices of the Secretariat continue to make every effort to ensure that the Secretariat is able to post the latest Supplements of the *Repertoire* in the six official languages as soon as they are available.

D. Resources

27. The preparation and publication of the *Repertoire*, as well as the maintenance of its website in all official languages, would not have been possible without the continuing support of the General Assembly. At the same time, in an environment of financial constraint, voluntary contributions to the trust fund for the updating of the *Repertoire* remain a critical element for sustaining the progress made to date on the *Repertoire*, maintaining its website and continuing to improve the accessibility of information about Security Council practice.

28. The infusion of extrabudgetary resources has enabled the Secretariat to retain the services of temporary staff assisting in the preparation of the *Repertoire*. Since the previous report, contributions to the trust fund have been received from China and Turkey. Italy has committed to sponsoring an associate expert in the Security Council Practices and Charter Research Branch beginning in September 2017. In addition, China has contributed by sponsoring an associate expert in the Branch, who made valuable contributions to advancing the work on the *Repertoire*. In order to continue to attain that goal, the Secretary-General requests Member States to continue to support the work of the Secretariat in advancing the *Repertoire* through voluntary contributions.

E. Conclusions

29. **With respect to the *Repertoire of the Practice of the Security Council*, in the light of the foregoing, and the recommendations made by the Special Committee at its session held from 21 February to 1 March 2017, the General Assembly may wish:**

(a) **To note the progress made towards updating the *Repertoire*;**

(b) **To note with appreciation the contributions made by Member States to the trust fund for the updating of the *Repertoire*;**

(c) **To reiterate its call for voluntary contributions to the trust fund for the updating of the *Repertoire* and the sponsoring, on a voluntary basis and with no cost to the United Nations, of associate experts to assist in the updating of the publication;**

(d) **To call upon the Secretary-General to continue his efforts towards updating the publication and making it available electronically in all its language versions;**

(e) **To reiterate the responsibility of the Secretary-General for the quality of the *Repertoire*, and call upon the Secretary-General to continue to follow the modalities outlined in paragraphs 102 to 106 of his report dated 18 September 1952 (A/2170).**

Annex I

Secretariat units bearing primary responsibility for the preparation of *Repertory* studies on individual Articles of the Charter of the United Nations[a]

Department	*Repertory volume*
Office of Legal Affairs	Volume I: Articles 1 to 7
	Volume II: Articles 13 (1) (a), 18, 19 and 22
	Volume VI: Articles 92 to 99, 102 to 105 and 108 to 111
Department of Political Affairs	Volume II: Articles 10, 12, 13 (1) (a), 14 and 16
	Volume III: Articles 23 to 39 and 107
	Volume V: Articles 73 to 85, 87 and 88
Department of Peacekeeping Operations	Volume III: Articles 40 to 54 and 106
Office for Disarmament Affairs	Volume II: Article 11
Department for General Assembly and Conference Management	Volume II: Articles 9, 15, 20 and 21
	Volume IV: Articles 60, 61, 62 (3) and (4), 65 to 69 and 72
	Volume V: Articles 86 and 89 to 91
Department of Management	Volume II: Article 17
	Volume VI: Articles 100 (1) and 101
Department of Management with Office of Legal Affairs	Volume VI: Article 100 (2)
Department of Economic and Social Affairs	Volume II: Articles 8[b] and 13 (1) (b) and (2)
	Volume IV: Articles 55 (a) and (b), 57 to 59, 62 (1), 63, 64, 70 and 71
Office of the United Nations High Commissioner for Human Rights	Volume II: Article 13 (1) (b)
	Volume IV: Articles 55 (c), 56 and 62 (2)
Office for Outer Space Affairs	Volume II: Article 13 (1) (a)

[a] This distribution is the result of several decisions of the Interdepartmental Committee on Charter Repertory taken at various times since 1996 and is subject to review by the Committee.

[b] The Department of Management (Office of Human Resources Management) is responsible for the preparation of studies on Article 8 for the period up to and including 1996. For the period from 1997 onward, that responsibility falls to the Department of Economic and Social Affairs.

Annex II

Status of the *Repertory of Practice of United Nations Organs* (July 2017)

Volumes published and on the Internet	Volumes submitted for publication and on the Internet	Studies on the Internet (pertaining to volumes not submitted for publication)	Studies in preparation or in review

Note: The organization of studies in volumes, as indicated below, relates to Supplements Nos. 6 to 11, and varies for the original *Repertory* and Supplements Nos. 1 to 5.

		Supplements										
Volumes, Articles	*Original Repertory*	*1*	*2*	*3*	*4*	*5*	*6 1979-1984*	*7 1985-1988*	*8 1989-1994*	*9 1995-1999*	*10 2000-2009*	*11 2010-2015*
Volume I							I	I	I	I	I	
Articles 1, 2 (1) to (3), 2 (5), 2 (6), 3, 5, 6, 7 and 8												
Article 2 (4), 2 (7) and 4												
Volume II							II	II	II	II	II	
Articles 9-12 and 13 (1) (a) (first part of the sentence), 13 (1) (b), 13 (2) and 14 to 22												
Article 13 (1) (a) (second part of the sentence)												
Volume III							III	III	III	III	III	
Articles 23 (1, second phrase) and (2) and 33												
Articles 52 and 54												
Articles 23 (1, first phrase) and (3), 24-32, 34, 35 (General Assembly and Security Council), 36-40, 50 and 51												
Article 41												
Article 42												
Articles 43-48, 53												
Article 49												
Volume IV							IV	IV	IV	IV	IV	
Articles 55 (a)-(b), 57, 62 (2) and 63												
Articles 55 (c) and 56												
Articles 58-62 (1, 3, 4) and 64-72												
Volume V							V	V	V	V	V	
Article 73												
Articles 74-85, 87 and 88												
Article 86 and 89-91												
Volume VI							VI	VI	VI	VI	VI	
Articles 92-95, 97, 98, 99, 102-103, 106-111												
Article 96												
Articles 100 and 101												
Articles 104 and 105												

Studies prepared from 1954 to 1980

Studies prepared from 1996 to 2017

Annex III

Status of the *Repertoire of the Practice of the Security Council* (July 2017)

Supplements published and posted on the Internet at http://www.un.org/en/sc/repertoire/	Advance version available on the Internet	Parts in preparation

A. Status of the completed *Repertoire* supplements

Supplement	*Status*	*Languages*
Original *Repertoire* and Supplements I-IX 1946-1984		English, French
Supplements X (1985-1988) and XI (1989-1992)[a]		Arabic, Chinese, English, French, Russian, Spanish
Supplement XII (1993-1995)		Arabic, Chinese, English, French, Russian, Spanish
Supplement XIII (1996-1999)		Arabic, Chinese, English, French, Russian, Spanish
Supplement XIV (2000-2003)		Arabic, Chinese, English, French, Russian, Spanish
Supplement XV (2004-2007)		Arabic, Chinese, English, French, Russian, Spanish
Supplement XVI (2008-2009)		Arabic, Chinese, English, French, Russian, Spanish
Supplement XVII (2010-2011)		English. Translation into other languages in progress
Supplement XVIII (2012-2013)		English

[a] As mandated by the General Assembly in resolution 55/222, these Supplements and future Supplements to the *Repertoire* are to be published in all official languages of the United Nations.

B. Status of the *Repertoire* Supplements in preparation

	Parts (procedural and constitutional)									
	I Overview	*II Provisional rules of procedure*	*III Purposes and principles of the Charter*	*IV Relations with other United Nations organs*	*V Functions and powers of the Security Council*	*VI Pacific settlement of disputes*	*VII Actions with respect to breaches of the peace*	*VIII Regional arrangements*	*IX Subsidiary organs: Committees/ other bodies*	*X Subsidiary organs: peacekeeping and peacebuilding*
Supplement XIX (2014-2015)										